

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

SUSAN H. GUY,

Plaintiff,

vs.

**THE COLONIAL BANCGROUP, INC.
and COLONIAL BANK, N.A.,**

Defendants.

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**CIVIL ACTION NO.:
2:06 CV271-WKW**

DRB Magistrate Judge Assigned

DEFENDANTS' MOTION TO SUBSTITUTE AFFIDAVIT

COME NOW Defendants, Colonial Bank, N.A. and The Colonial BancGroup, Inc. (collectively, "Colonial") and, respectfully move the Court to substitute the attached affidavit of Tara Gibson in place of the affidavit of Tara Gibson previously filed as Exhibit C to Colonial's August 21, 2006 summary judgment motion. (Doc. No. 17). Colonial inadvertently submitted as Exhibit C a previous affidavit by Tara Gibson filed in support of its earlier summary judgment motion (Doc. no. 16).

Respectfully submitted this 4th day of October, 2006.

/s/Christopher W. Weller

Christopher W. Weller (WEL030)

CAPELL & HOWARD, P. C.

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**THE COLONIAL BANCGROUP, INC. &
COLONIAL BANK, N.A.**

David B. Byrne, Jr. (ASB-0354-R69D)

General Counsel

One Commerce Street

Montgomery, Alabama 36104

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel of record *via*
U.S. Mail:

Susan Guy, Pro Se
974 Lewis Road
Deatsville, Alabama 36002

DONE this the 4th day of October, 2006.

/s/Christopher W. Weller
Of Counsel